

15. By revising the section heading of § 200.30-2 to read as follows, by amending the introductory text by changing "Director of the Division of Corporate Regulation" to read "Director of the Office of Public Utility Regulation", and by revising paragraphs (a)(2), (a)(5) and (c) to read as follows:

§ 200.30-2 Delegation of Authority to Director of Office of Public Utility Regulation.

(a) * * *

(2) To authorize the issuance of orders where a notice has been issued and no request for a hearing has been received from any interested person within the period specified in the notice and the matter involved presents no issue that the director believes has not previously been settled by the Commission and it does not appear to the director to be necessary in the public interest or the interest of investors or consumers that a hearing be held; section 20(c) of the Act (15 U.S.C. 79(c));

(5) To issue notices and grant applications by a holding company or any subsidiary company thereof, under section 3(c) of the Act (15 U.S.C. 79(c)), for revocation of previously granted exemptions from registration, unless, upon examination, the application appears to the director to present issues not previously settled by the Commission or to raise questions of fact or policy indicating that the public interest of investors or consumers requires that a hearing be held;

(c) Notwithstanding anything in the foregoing in any case in which the Director of the Office of Public Utility Regulation believes it appropriate he may submit the matter to the Commission.

16. By revising the section heading of § 200.30-11 to read as follows, by amending the introductory text by changing "Director of the Office of Reports and Information Services" to read "Director of the Office of Applications and Reports Services" by removing paragraph (d), redesignating paragraph (e) as (d), and by amending newly designated (d) by changing "Director of the Office of Reports and Information Services" to read "Director of the Office of Applications and Reports Services".

§ 200.30-11 Delegation of authority to Director, Office of Applications and Reports Services.

17. By revising § 200.30-12, as follows:

§ 200.30-12 Delegation of authority to Director, Office of Consumer Affairs and Information Services.

Pursuant to the provisions of Pub. L. 87-592; 76 Stat. 394 (15 U.S.C. 78d-1, 78d-2), the Securities and Exchange Commission hereby delegates the following functions to the Director of the Office of Consumer Affairs and Information Services to be performed by him or under his direction by such person or persons as may be designated from time to time by the Chairman of the Commission:

(a) With respect to the Freedom of Information Act, 5 U.S.C. 552 and the Privacy Act, 5 U.S.C. 552a:

(1) To waive or reduce fees for searching and/or duplicating requested records under the Freedom of Information Act whenever it shall be determined that waiver or reduction of fee is in the public interest;

(2) To waive or reduce fees for reproduction under the Privacy Act whenever it shall be determined that good cause therefor exists.

(3) Notwithstanding anything in the foregoing, in any case in which the Director of the Office of Consumer Affairs and Information Services believes it appropriate, he or she may submit the matter to the Commission.

18. By amending paragraph (c)(1)(iii) of § 200.80 in Subpart D to revise the address of the Denver, Fort Worth and Los Angeles Regional Offices, by revising the office hours for the Seattle Regional Office, and by revising the telephone number of the Washington Regional Office, by amending paragraph (d)(7)(i) to add a sentence following the second sentence, as follows:

§ 200.80 Commission records and information.

(c) * * *

(1) * * *

(iii) * * *

Chicago Regional Office: * * * 315-353-7390.

Denver Regional Office, Two Park Central, Suite 700, 410 Seventeenth Street, Denver, Colorado 80202 (303-837-2071). Office Hours—8:00 a.m. to 4:30 p.m. m.s.t.

Fort Worth Regional Office, Eighth Floor, 411 West Seventh Street, Fort Worth, Texas 76102 (817-334-3821). Office Hours—8:30 a.m. to 5:00 p.m. c.s.t.

Los Angeles Regional Office, 5757 Wilshire Boulevard, Suite 500 East, Los Angeles, California 90036-3648 (213-473-3098). Office Hours—8:30 a.m. to 5:00 p.m. p.s.t.

Seattle Regional Office: * * * 8:00 a.m. to 4:30 p.m. p.s.t.

Washington Regional Office: * * * 703-235-3701.

(d) * * *

(7) * * *

(i) * * * Some records have been disposed of in accordance with the Commission's Records Control Schedule (17 CFR 200.80(f)). * * *

§ 200.80b [Amended]

19. By amending paragraph (b) in § 200.80b to change "Statistical Bulletin" to "SEC Monthly Statistical Review".

§ 200.80c [Amended]

20. By amending item 3 under paragraph (b) in § 200.80c to change "Statistical Bulletin" to "SEC Monthly Statistical Review".

§ 200.310 [Amended]

21. By amending paragraph (b) of § 200.310 by changing "Director of the Office of Reports and Information Services" to read "Director of the Office of Consumer Affairs and Information Services".

22. By adding paragraph (a) to § 200.503 to read as follows:

§ 200.503 Senior agency official.

(a) The Deputy Executive Director is the Senior Agency Official for purposes of the Paperwork Reduction Act of 1980. In this capacity, the Deputy Executive Director will carry out all responsibilities required by the Act (Pub. L. 96-511, 3506(b)), as well as serving as "Agency Clearance Officer" for purposes of the publication of notices in the Federal Register.

PART 202—INFORMAL AND OTHER PROCEDURES

§ 202.3 [Amended]

23. By amending paragraph (b) of § 202.3 by changing "Office of Reports and Information Services" to read "Office of Applications and Reports Services" in the first and eighth sentences.

(11 U.S.C. 901, 1109(a))

By the Commission.

George A. Fitzsimmons,
Secretary.

March 26, 1984.

[FR Doc. 84-8472 Filed 3-29-84; 8:45 am]

BILLING CODE 8010-01-M

17 CFR Part 230

[Release No. 33-6518 File No. S7-998]

Options Material Not Deemed a Prospectus**AGENCY:** Securities and Exchange Commission.**ACTION:** Final rules.

SUMMARY: The Commission announces the adoption of amendments to Rule 134a under the Securities Act of 1933 relating to options material not deemed a prospectus. The amendments expand the scope of the rule to permit offerors of options products to include certain explanatory information in advertisements of those products and to modify certain of the conditions to the rule's availability. The purpose of the rule amendments is to permit a fuller explication of the nature of newly developed options products.

EFFECTIVE DATE: March 30, 1984.**FOR FURTHER INFORMATION CONTACT:**

Ann Glickman (202) 272-2573, Office of the Chief Counsel, Division of Corporation Finance, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION:**I. Background**

Rule 134a [17 CFR 230.134a] under the Securities Act of 1933 (the "Securities Act") (15 U.S.C. 77a et seq. (1976 & Supp. V 1981) as amended by Bus Regulatory Reform Act of 1982, and Pub. L. 97-261, section 19(d), 96 Stat. 1121 (1982)) was adopted in September 1982 as a part of a comprehensive new registration framework for standardized options (Release No. 33-6426 (September 16, 1982) (47 FR 41950) September 23, 1982). As adopted, the rule was intended to permit the dissemination of educational or instructional materials about standardized options without such communications being deemed a prospectus. Since its adoption, however, materials distributed in reliance upon the rule have included not only educational materials designed to explain to investors the nature of options trading, but advertisements promoting particular options products. Because of the rapidly evolving nature of options trading and the number of new and complex options products being offered to the public, and in recognition of the uniqueness of options trading and options products, the Commission proposed amendments to Rule 134a to formalize the availability of the rule for such advertisements (Release No. 33-6494 (October 27, 1983) (48 FR 51328) November 8, 1983).

As proposed, the amendments made clear that Rule 134a would apply to advertisements as well as other written materials, provided that all of its conditions are satisfied. The proposed amendments also sought to modify the conditions of the rule to permit the identification of certain options classes, such as broad-based stock index options and options on exempt securities, in Rule 134a communications.

II. Comments and Discussion

The only persons commenting on the proposal were three stock exchanges,¹ all of which supported the proposals but suggested further amendments or interpretations.

The commentators suggested that the Commission make clear that the amendments are not intended to circumscribe current industry advertising practices or to preclude industry advertising that satisfies the spirit, if not the letter, of Rule 134 (17 CFR 203.134). The Commission wishes to make clear that in amending Rule 134a it took into account the practices of the options exchanges, and that it was the Commission's intent that the amendments define the limits of appropriate options advertising. The Commission is of the view that options offerors cannot exceed the scope of Rule 134a through expansive interpretations of Rule 134.² Offerors who rely on Rule 134 must comply with all of its provisions, not simply their reading of its "spirit".³

¹ The Commission received submissions from the American Stock Exchange, the Chicago Board Options Exchange and the Philadelphia Stock Exchange. Copies of the comment letters are available for public inspection and copying at the Commission's Public Reference Room, 450 Fifth Street NW., Washington, D.C. 20549 (see File No. S7-998).

² Similarly, Rule 134 defines the limits of permissible advertising by issuers generally. The Commission notes that some issuers, including issuers of securities other than options, have exceeded these limits in recent months. In some cases, such issuers have justified their advertising practices by noting their similarity to registered investment companies, which are permitted by Rule 134 to include certain special categories of information in their advertisements. This view has no basis, since the Commission indicated in Release No. 33-5536 (November 4, 1974) (39 FR 39869) that the specialized provisions of Rule 134 are applicable only to companies registered under the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.). The Commission is concerned about these advertising practices and may take further action in this regard in the near future.

³ Part of the commentators' concern appears to be grounded in the view that Rule 134a mandates detailed or analytical communications, but it was not the intention of the Commission that the rule require a high level of detail or analysis. Therefore, as amended, the rule will provide the flexibility needed for the sort of options advertising that is appropriate and in the public interest.

The Commission has made three revisions to Rule 134a suggested by the commentators. First, the commentators suggested that the Commission delete from Rule 134a the requirement that advertisements contain a legend indicating the name and address of the person from whom a prospectus can be obtained, because the required legend detracts from the effectiveness and readability of advertisements. Taking into account the specialized registration framework applicable to options trading,⁴ including the fact that Rule 153(b) (17 CFR 230.153b) provides that the prospectus delivery requirements of the Securities Act is satisfied by the delivery of copies of an options prospectus to the options market, and to customers upon their request, the Commission believes it is unnecessary to continue Rule 134a's prospectus legend requirement and has modified the rule accordingly. As amended, the rule continues to require the identification of the source of an options disclosure document.

Secondly, the Commission has revised the rule to permit identification of the securities comprising an index.⁵ The Commission believes that this is consistent with the purpose of the proposed revisions to the rule.

Finally, the Commission has amended Rule 134a to permit identification of foreign currency options ("fco's") in advertising materials. The Commission agrees with the commentators' view that fco's have features and risks that can be appreciated only if it is clear on which foreign currencies options may be traded. Accordingly, the amendments have been revised to make clear that particular currencies may be identified.

The Commission is making the amended rule available for options offerors immediately upon publication in the **Federal Register**. In accordance with 5 U.S.C. 553(d), the amendments are designed to relieve certain restrictions on options offerors, and the Commission is of the view that it is appropriate to permit such offerors to utilize the amendments promptly.

⁴ Rule 9b-1 (17 CFR 240.9b-1) under the Securities Exchange Act of 1934 (15 U.S.C. 78a-78kk (1976 & Supp. V 1981), as amended by Act of June 6, 1983, Pub. L. 98-38) requires the preparation of an options disclosure document for those options required to be registered under the Securities Act.

⁵ Of course, any specific identification of the components of an index should not emphasize particular securities in such a way as to be misleading. The Commission believes that generally an entity wishing to identify some of the securities in an index would be required to identify all of them.

III. Statutory Authority

The revisions of Rule 134a are being adopted by the Commission pursuant to Sections 2, 7, 10 and 19(a) of the Securities Act of 1933. (Secs. 2, 7, 10, 19(a), 48 Stat. 74, 78, 81, 85; secs. 201, 205, 209, 210, 48 Stat. 905, 906, 908; secs. 1-4, 8, 68 Stat. 683, 685; sec. 12(a), 73 Stat. 143; sec. 7(a), 74 Stat. 412; sec. 27(a), 84 Stat. 1433; sec. 308(a)(2), 90 Stat. 57.)

IV. List of Subjects in 17 CFR Part 230

Reporting and recordkeeping requirements, Securities.

V. Text of Amendments

In accordance with the foregoing, Title 17, Chapter II, of the Code of Federal Regulations is hereby amended as follows:

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

1. By revising the introductory text and paragraphs (d) and (e) and removing paragraph (f) of § 230.134a (rule 134a) as follows:

§ 230.134a Options material not deemed a prospectus.

Written materials, including advertisements, relating to standardized options, as that term is defined in Rule 9b-1 under the Securities Exchange Act of 1934, shall not be deemed to be a prospectus for the purposes of Section 2(10) of the Securities Act of 1933; *Provided*, That such materials are limited to explanatory information describing the general nature of the standardized options markets or one or more strategies; *And, Provided further*, That:

(d) No specific security is identified, other than

(i) An option or other security exempt from registration under the Act, or

(ii) An index option, including the component securities of the index; and

(e) If there is a definitive options disclosure document, as defined in Rule 9b-1 under the Securities Exchange Act of 1934, the materials shall contain the name and address of a person or persons from whom a copy of such document may be obtained.

By the Commission.

Dated: March 22, 1984.

George A. Fitzsimmons,
Secretary.

[FR Doc. 84-8535 Filed 3-29-84; 8:45 am]

BILLING CODE 8010-01-M

17 CFR Parts 240 and 249

[Release No. 34-20784; File No. S7-997]

Suspension of Periodic Reporting Obligation

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission announces the adoption of revisions to Rule 12h-3 under the Securities Exchange Act of 1934 that permit immediate suspension of the Section 15(d) reporting obligation with respect to any class of securities held of record by less than 300 persons or, in the case of certain small businesses, 500 persons. The Commission also announces the adoption of a new simplified form for reporting such suspension. These changes are intended to eliminate an inconsistency in the provisions suspending the obligation of issuers to file periodic reports and to standardize and simplify the suspension process.

EFFECTIVE DATE: Effective March 30, 1984.

FOR FURTHER INFORMATION CONTACT:

William E. Toomey (202) 272-2573, Division of Corporation Finance, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: Section 13 of the Securities Exchange Act of 1934 (the "Exchange Act")¹ establishes a periodic reporting obligation for every issuer of a class of securities registered under Section 12 of that Act. Section 15(d) of the Exchange Act imposes the same reporting obligation on every issuer which has filed a registration statement that has become effective under the Securities Act of 1933.² Pursuant to Rule 12g-4 (17 CFR 240.12g-4), a Section 12 issuer can effect immediate suspension of this obligation whenever it has fewer than three hundred security holders by filing a certification with the Commission. Under Section 15(d) of the Exchange Act and Rule 15d-6 (17 CFR 240.15d-6), a Section 15(d) issuer is entitled to a comparable suspension, but only if it has fewer than three hundred security holders at the beginning of a fiscal year. As a result, a Section 15(d) issuer may be required to continue to report in circumstances where a Section 12 issuer can effect an immediate cessation. Since this distinction does not appear to serve

a useful function, the Commission published proposals in October 1983 to establish uniformity, to the extent practicable, in the treatment of Section 12 and 15(d) issuers, to simplify the suspension process and to assist small businesses consistent with investor protection.³

The proposals consisted of four parts. First, the proposed revisions to Rule 12h-3 were designed to permit immediate cessation of the periodic reporting requirement for Section 15(d) issuers whenever the number of record holders of a class of registered securities falls below 300 persons or, for certain businesses, below 500 persons. Second, proposed Form 15, a simplified form for reporting suspension under section 15(d) and termination of registration under Section 12(g), would replace form 12g-4/15d-6 (17 CFR 249.323 and 333). Third, conforming amendments to Rules 12g-4 and 15d-6 were proposed to provide uniformity. Fourth, Rule 12h-4 was proposed to be rescinded since its provisions would be included in proposed Rule 12h-3. The Commission received four comment letters which generally supported the proposals.⁴

The proposals are being adopted as proposed with two modifications to Rule 12h-3 and one revision to Rule 15d-6. With respect to Rule 12h-3, the Commission requested specific comment on whether a 90 or 120 day period should be permitted for the filing of an annual report on Form 10-K upon the discontinuance of a suspension. The Commission agrees with the commentators that 120 days, the same period allowed for the filing of Form 10 (17 CFR 249.210) is appropriate. In addition, the first sentence of paragraph (c) of proposed Rule 12h-3 has been clarified to limit its application to a registration statement relating to the class of securities for which suspension is sought. The Commission is of the view

¹ Release No. 34-20263 (October 5, 1983) (48 FR 48245).

⁴ The commentators consisted of two bar associations, one law firm and one corporation. The comment letters are available for inspection and copying at the Commission's Public Reference Room, File No. S7-997. One commentator suggested that proposed revised Rule 15d-6 be rescinded as superfluous. Rule 15d-6 is necessary as it continues to be possible for an issuer to effect a suspension under the basic suspension authority contained in Section 15(d) of the Exchange Act. Another commentator observed that the filing of Form 15 should not be required where a national securities exchange has filed a Form 25 with respect to a class of securities. Form 25 does not provide information relevant to the status of a reporting obligation under either Section 12(g) or Section 15d. Therefore, the Commission believes that the public files should clearly reflect the reporting status of a registrant and that the Form 15 will do this in the least burdensome way.

¹ 15 U.S.C. 78a-78kk (1976 and Supp. V. 1981), as amended by Act of June 6, 1983, Pub. L. 98-38.

² 15 U.S.C. 77a-77aa (1976 and Supp. V. 1981), as amended by Bus. Regulatory Reform Act of 1982, Pub. L. 97-261, section 19(d), 96 Stat. 1121 (1982).

that this modification will enhance the purpose of the rule by broadening its application in situations where there should be no adverse impact on investors or the public. Finally, Rule 15d-6 has been revised to emphasize that an issuer that has already filed Form 15 with respect to a class of securities pursuant to the provisions of Rule 12h-3, need not make a duplicative filing for that class because of the provisions of Rule 15d-6.

I. Summary of Final Regulatory Flexibility Analysis

The Commission has prepared a final Regulatory Flexibility Analysis in accordance with 5 U.S.C. 604 regarding the revisions to Rule 12h-3. A summary of the corresponding Initial Regulatory Flexibility Analysis was included in the release proposing the changes to Rule 12h-3 at 48 FR 48245. Members of the public who wish to obtain a copy of the Final Regulatory Analysis should contact William E. Toomey in the manner specified above.

II. List of Subjects

List of Subjects in 17 CFR Parts 240 and 249

Forms, Reporting and recordkeeping requirements, Securities.

III. Text of Amendments

In accordance with the foregoing, Title 17, Chapter II, of the Code of Federal Regulations is proposed to be amended as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

1. By revising § 240.12h-3, Rule 12h-3, to read as follows:

§ 240.12h-3 Suspension of duty to file reports under section 15(d).

(a) Subject to paragraphs (c) and (d) of this section, the duty under section 15(d) to file reports required by section 13(a) of the Act with respect to a class of securities specified in paragraph (b) of this section shall be suspended for such class of securities immediately upon filing with the Commission a certification on Form 15 (17 CFR 249.323) if the issuer of such class has filed all reports required by section 13(a), without regard to Rule 12b-25 [17 CFR 249.322], for the shorter of its most recent three fiscal years and the portion of the current year preceding the date of filing Form 15, or the period since the issuer became subject to such reporting obligation. If the certification on Form 15 is subsequently withdrawn or denied, the issuer shall, within 60 days, file with

the Commission all reports which would have been required if such certification had not been filed.

(b) The classes of securities eligible for the suspension provided in paragraph (a) of this section are:

(1) Any class of securities held of record by: (i) Less than 300 persons; or (ii) by less than 500 persons, where the total assets of the issuer have not exceeded \$3,000,000 on the last day of each of the issuer's three most recent fiscal years;

(2) Any class of securities of a foreign private issuer, as defined in Rule 3b-4 (§ 240.3b-4), held of record by: (i) Less than 300 persons resident in the United States or (ii) less than 500 persons resident in the United States where the total assets of the issuer have not exceeded \$3,000,000 on the last day of each of the issuer's three most recent fiscal years. For purposes of this paragraph, the number of persons resident in the United States shall be determined in accordance with the provisions of Rule 12g3-2(a) (§ 240.12g3-2(a)); and

(3) Any class or securities deregistered pursuant to section 12(d) of the Act if such class would not thereupon be deemed registered under section 12(g) of the Act or the rules thereunder.

(c) This section shall not be available for any class of securities for a fiscal year in which a registration statement relating to that class becomes effective under the Securities Act of 1933, or is required to be updated pursuant to section 10(a)(3) of the Act, and, in the case of paragraphs (b)(1)(ii) and (b)(2)(ii), the two succeeding fiscal years; *Provided, however*, That this paragraph shall not apply to the duty to file reports which arises solely from a registration statement filed by an issuer with no significant assets, for the reorganization of a non-reporting issuer into a one subsidiary holding company in which equity security holders receive the same proportional interest in the holding company as they held in the non-reporting issuer, except for changes resulting from the exercise of dissenting shareholder rights under state law.

(d) The suspension provided by this rule relates only to the reporting obligation under section 15(d) with respect to a class of securities, does not affect any other duties imposed on that class of securities, and shall continue as long as criteria (i) and (ii) in either paragraph (b)(1) or (b)(2) is met on the first day of any subsequent fiscal year; *Provided, however*, That such criteria need not be met if the duty to file reports arises solely from a registration statement filed by an issuer with no

significant assets in a reorganization of a non-reporting company into a one subsidiary holding company in which equity security holders receive the same proportional interest in the holding company as they held in the non-reporting issuer except for changes resulting from the exercise of dissenting shareholder rights under state law.

(e) If the suspension provided by this rule is discontinued because a class of securities does not meet the eligibility criteria of paragraph (b) on the first day of an issuer's fiscal year, then the issuer shall resume periodic reporting pursuant to section 15(d) by filing an annual report on Form 10-K for its preceding fiscal year, not later than 120 days after the end of such fiscal year.

§ 240.12g3-2 [Amended]

2. By revising Rule § 240.12g3-2, Rule 12g3-2, to delete paragraph (a)(2) and redesignate paragraph (a)(1) as (a).

3. By revising § 240.12g-4, Rule 12g-4, to read as follows:

§ 240.12g-4 Certification of termination of registration under section 12(g).

(a) Termination of registration of a class of securities shall take effect 90 days, or such shorter period as the Commission may determine, after the issuer certifies to the Commission on Form 15 that:

(1) Such class of securities is held of record by: (i) Less than 300 persons; or (ii) by less than 500 persons, where the total assets of the issuer have not exceeded \$3,000,000 on the last day of each of the issuer's most recent three fiscal years; or

(2) Such class of securities of a foreign private issuer, as defined in Rule 3b-4 (§ 240.3b-4), is held of record by: (i) Less than 300 persons resident in the United States or (ii) less than 500 persons resident in the United States where the total assets of the issuer have not exceeded \$3,000,000 on the last day of each of the issuer's most recent three fiscal years. For purposes of this paragraph, the number of persons resident in the United States shall be determined in accordance with the provisions of Rule 12g3-2(a) (§ 240.12g3-2(a)).

(b) The issuer's duty to file any reports required under section 13(a) shall be suspended immediately upon filing a certification on Form 15; *Provided, however*, That if the certification on Form 15 is subsequently withdrawn or denied, the issuer shall, within 60 days after the date of such withdrawal or denial, file with the Commission all reports which would have been required had the certification

on Form 15 not been filed. If the suspension resulted from the issuer's merger into, or consolidation with, another issuer or issuers, the certification shall be filed by the successor issuer.

§ 240.12h-4 [Amended]

4. By removing in its entirety § 240.12h-4, Rule 12h-4.

5. By revising § 240.15d-6, Rule 15d-6, to read as follows:

§ 240.15d-6 Suspension of duty to file reports.

If the duty of an issuer to file reports pursuant to section 15(d) of the Act as to any fiscal year is suspended as provided in section 15(d) of the Act, such issuer shall, within 30 days after the beginning of the first fiscal year, file a notice on Form 15 informing the Commission of such suspension unless Form 15 has

already been filed pursuant to Rule 12h-3. If the suspension resulted from the issuer's merger into, or consolidation with, another issuer or issuers, the notice shall be filed by the successor issuer.

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

1. By revising § 249.323 to read as follows:

§ 249.323 Form 15, certification of termination of registration of a class of security under section 12(g) or notice of suspension of duty to file reports pursuant to sections 13 and 15(d) of the Act.

(a) This form shall be filed by each issuer to certify that the number of holders of record of a class of security registered under section 12(g) of the Act is reduced to less than 300 persons, or that the number of holders of record of a class of security registered under section

12(g) of the Act is reduced to less than 500 persons and the total assets of the issuer have not exceeded \$3,000,000 on the last day of each of the issuer's most recent three fiscal years. Registration terminates 90 days after the filing of the certificate or within such shorter time as the Commission may direct.

(b) This form shall also be filed by each issuer required to file reports pursuant to section 15(d) of the Act, as a notification that the duty to file such reports is suspended pursuant to section 15(d) of the Act because all securities of each class of such issuer registered under the Securities Act of 1933 are held of record by less than 300 persons at the beginning of its fiscal year, or otherwise pursuant to the provisions of Rule 12h-3 (17 CFR 240.12h-3).

§ 249.333 [Removed]

2. By deleting in its entirety § 249.333.
BILLING CODE 8010-01-M

OMB APPROVAL

OMB No. 3235-0167

Exp. October 30, 1986

SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C. 20549

FORM 15

Certification and Notice of Termination of Registration
under Section 12(g) of the Securities Exchange Act of 1934
or Suspension of Duty to File Reports Under Sections 13
and 15(d) of the Securities Exchange Act of 1934.

Commission File Number _____

(Exact name of registrant as specified in its charter)

(Address, including zip code, and telephone number, including
area code, of registrant's principal executive offices)

(Title of each class of securities covered by this Form)

(Titles of all other classes of securities for which a duty to
file reports under section 13(a) or 15(d) remains)

Please place an X in the box(es) to designate the appropriate rule
provision(s) relied upon to terminate or suspend the duty to file
reports:

Rule 12g-4(a)(1)(i)	<input type="checkbox"/>	Rule 12h-3(b)(1)(i)	<input type="checkbox"/>
Rule 12g-4(a)(1)(ii)	<input type="checkbox"/>	Rule 12h-3(b)(1)(ii)	<input type="checkbox"/>
Rule 12g-4(a)(2)(i)	<input type="checkbox"/>	Rule 12h-3(b)(2)(i)	<input type="checkbox"/>
Rule 12g-4(a)(2)(ii)	<input type="checkbox"/>	Rule 12h-3(b)(2)(ii)	<input type="checkbox"/>
		Rule 15d-6	<input type="checkbox"/>

Approximate number of holders of record as of the certification or
notice date: _____

Pursuant to the requirements of the Securities Exchange Act of
1934 (Name of registrant as specified in charter) has caused this
certification/notice to be signed on its behalf by the undersigned
duly authorized person.

DATE: _____ BY: _____

Instruction: This form is required by Rules 12g-4, 12h-3 and 15d-6
of the General Rules and Regulations under the Securities Exchange
Act of 1934. The registrant shall file with the Commission three
copies of Form 15, one of which shall be manually signed. It may be
signed by an officer of the registrant, by counsel or by any other
duly authorized person. The name and title of the person signing
the form shall be typed or printed under the signature.

SEC 2069 (3-84)

IV. Statutory Authority

The amendments to Rule 12h-3 are adopted by the Commission pursuant to Sections 12(g)(4), 12(h), 13(a), 15(d), and 23(a) of the Exchange Act.

(Secs. 12(g)(4), 12(h), 13(a), 15(d), 23(a), 48 Stat. 892, 894, 895, 901; sec. 203(a), 49 Stat. 704; secs. 3, 8, 49 Stat. 1377, 1379; secs. 3, 4, 6, 78 Stat. 565-568, 569, 570-574; sec. 18, 89 Stat. 155; sec. 204, 91 Stat. 1500; 15 U.S.C. 78(g)(4), 78(h), 78m(a), 78o(d), 78w(a))

Dated: March 22, 1984.

By the Commission.

George A. Fitzsimmons,
Secretary.

[FR Doc. 84-8534 Filed 3-29-84; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 389

[Docket No. RM84-11-000]

Commission Information Collection Requirements Under the Paperwork Reduction Act; OMB Control Numbers

March 26, 1984.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule; notice of OMB Control Numbers.

SUMMARY: The Federal Energy Regulatory Commission is codifying the control numbers that have been issued by the Office of Management and Budget (OMB) for information collection requirements in Commission rules that are approved under the Paperwork Reduction Act. Control numbers will no longer appear as part of the section or part containing the information collection requirement, but will be centrally located in a table in new Part 389.

EFFECTIVE DATE: March 30, 1984.

FOR FURTHER INFORMATION CONTACT: Kenneth J. Malloy, Office of General Counsel, Federal Energy Regulatory Commission, 825 North Capitol St., NE., Washington, D.C. 20426, (202) 357-8033.

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1980, 44 U.S.C. 3501-3520 (1982) and the Office of Management and Budget's (OMB) regulations, 5 CFR Part 1320 (1983), requires that OMB review certain information collection requirements imposed by agency rules. Upon approval of the agency requirement, OMB issues a control number. The agency must display this control number in its regulations to inform the public that the

agency's information collection requirements have been approved by OMB.

In the Commission's initial implementation of the Paperwork Reduction Act, control numbers were published in either of two fashions. For control numbers that applied only to specific sections of the Commission's regulations, the Commission inserted a parenthetical after the section, stating that the information collection requirement in that section was approved under a certain control number. For information collection requirements that cover an entire Part of Commission's regulations, the Commission inserted a similar parenthetical after the Table of Contents of that Part.

The Commission will no longer display its control numbers in this manner. Rather, the Commission is establishing a new Part 389 which will contain all the control numbers that have been issued for its regulations. The Commission believes that it will be easier for the Commission to update this table and that it will be easier for members of the public to determine which regulations have been approved by OMB. Accordingly, the Commission is removing any control numbers which appear as part of individual Parts and Sections and adding a new Part 389 that lists all control numbers in a single table.

List of Subjects in 18 CFR Part 389

Paperwork Reduction Act, OMB Control Numbers.

In consideration of the foregoing, a new Part 389 is added to Chapter 1, Title 18, Code of Federal Regulations, as set forth below.

Lois D. Cashell,
Acting Secretary.

1. The Authority Citation for Part 389 reads as follows:

Authority: Paperwork Reduction Act of 1980, 44 U.S.C. 3501-3520(1982).

2. A new Part 389 is added to read as follows:

PART 389—OMB CONTROL NUMBERS FOR COMMISSION INFORMATION COLLECTION REQUIREMENTS

§ 389.101 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

(a) **Purpose.** This part collects and displays control numbers assigned to information collection requirements of the Commission by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1980. This Part fulfills the requirements of Section 3507(f) of the

Paperwork Reduction Act, which requires that agencies display a current control number assigned by the Director of OMB for each agency information collection requirement.

(b) Display.

18 CFR part or section where the information collection requirement is located	Current OMB control number (all numbers begin with 1902-)
2.56a	0055
2.69	0060
2.75	0052
2.76	0056
2.77	0056
2.78	0066
2.79	0060
2.80	0128
2.82	0128
Part 4 Subpart D	0073
Part 4 Subpart E	0058
Part 4 Subpart F	0058
Part 4 Subpart G	0115
Part 4 Subpart H	0115
Part 4 Subpart J	0115
Part 4 Subpart L	0058
Part 4 Subpart L	0115
4.30	0073
4.31	0073
4.32	0073
4.33	0073
4.34	0073
4.80	0073
4.81	0073
4.82	0073
Part 6	0068
Part 9	0069
11.26	0067
11.31	0067
13.1	0067
24.1	0079
Part 33	0082
Part 34	0043
Part 35 Subpart A	0096
35.12	0096
35.13	0096
Part 45	0083
46.3	0114
46.6	0099
Part 101	0092
Part 104	0029
Part 116	0021
Part 125	0098
141.1	0021
141.2	0029
141.14	0106
141.61	0024
Part 152	0116
Part 153	0062
154.38	0070
154.61	0070
154.62	0070
154.63	0070
154.64	0070
154.65	0070
154.66	0070
154.67	0070
154.91	0052
154.92	0055
154.93	0055
154.94	0055
154.95	0055
154.96	0055
154.97	0055
154.98	0055
154.99	0055
154.100	0055
154.101	0055
154.102	0055
Part 156	0061
157.5	0060
157.6	0060
157.7	0060
157.8	0060
157.9	0060
157.10	0060
157.11	0060
157.12	0060